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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,174	02/02/2001	B. J. Hawkins	2073.300	2201

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EXAMINER

NGUYEN, TAN D

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/776,174

Applicant(s)

HAWKINS, B. J.

Examiner

Tan Dean Nguyen

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The prior art statement filed 11/25/02 has been received and recorded.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-3 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In order for the claimed invention to be statutory subject matter, the claimed invention must fall within one of the statutory classes of invention as set forth in § 101 (i.e. a process, machine, manufacture, or composition of matter). In the present case, claims 1-8 directed to a "process for accumulating user forecast of a future event", which is not within one of the classes of invention set forth in § 101.

The process for requisitioning products and services in an organization comprising the creating, selecting, submitting steps as claimed are merely an abstract idea and do not produce a useful, tangible, concrete results.

The process for requisitioning products and services in an organization comprising the creating, selecting, submitting steps as claimed are merely an abstract idea and does not involve any computer or structural means to carry out any functions and therefore are found to be non-statutory subject matter.

Claim Rejections - 35 USC § 112

3. Claims 1-3, 4-15, 16-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1 and 4, it's not clear the relationship between "said requisition" in step d) to "the requisition" in step e). It's not clear the relationship between step (d) and (e). What happens to the requisition that go to the reviewer? Since the requisition is reviewed and approved by the approver, what is the role of the "reviewer". Should the requisition go to the "reviewer" first and then go to the "approver" next?

The use of pronoun "it" or "they" in claims 5, 8, 12, 14, 15, 16, 26, and other claims are vague and indefinite because it's not clear what the exact term or word it is replacing. In claim 17, the term "may" is vague and should be removed.

Claims 22, 23, 26 are written in passive/inactive state which are vague for an apparatus claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 4-15, 16-26 is rejected under 35 U.S.C. 103(a) as being unpatentable over GARDNER et al in view of Article 5/1995 "What's really the matter with FDA" or Article 3/1994 "The Gejdenson Bill: Answer to Industry's Prayers?".

As for claim 1, GARDNER et al discloses a process for requisitioning products and services in an organization comprising the steps of: a) creating a requisition requesting a product or service, b) selecting an identity to review and comment the requisition, c) selecting an identity to review and approve the requisition, submit the requisition to the identity to review and approve, e) submit the requisition to identity for review and approval, and f) submit the requisition for effectuation upon receipt of approval from identity (see col. 5, lines 10-20 (or 5:10-20), 6:5-63, 7:10-60, 8:1-65). As for the term "reviewer", this is shown as "decision-makers" in serial or sequence who are able to review the requisition, veto some of the items on the requisition, and return the requisition back to the requestor for reconsideration (see 7:39-43, 8:33-40). In other word, there are several decision makers in the authorization process that actually serve as reviewer alone or reviewer and approver. As for the step of "commenting" this is fairly taught in 3:23-30, wherein discussion about the company's need for the item on the requisition is written on an attachment which is attached to the requisition. Moreover, the step of "reviewing" normally includes the step of "commenting" or 'questioning" to clarify an issue or improve understanding so a better decision can be made. Therefore, GARDNER et al teaches the claimed invention except for having an automatic approval deadline in the reviewing step (d).

Article 5/1995 or Article 3/1994 is cited to teach conventional well known concept of "automatic approval deadline policy" in reviewing and approving an application to shorten up/speed up the processing/reviewing or preventing delaying or avoiding processing/reviewing an application or license or requisition order; wherein failure to

Art Unit: 3629

meet deadline would mean an automatic approval. It would have been obvious to modify the reviewing step of GARDNER et al to include a well known concept of "automatic approval deadline" policy as taught by Article 5/1995 or Article 3/1994 to shorten up/speed up the processing/reviewing time or preventing delaying or avoiding processing/reviewing.

As for claims 2, 5, this is taught on 8:34-40. As for claims 3, 6, on 4:48-50, GARDNER et al discloses that the requisition can be prepared by principals (supervisors or managers or high rank authority people) or employees; therefore, it would have been obvious that a principal person could assign the preparation of the requisition to employees of lower ranks to save time or this is more effective since the supervisor/manager has more important tasks to do.

As for claim 4, this is shown on Fig. 1 (10 or central computer system). As for claim 7, this is inherently included in the computer system of GARDNER et al since most current and/or conventional computers, or desktop computers, normally require user ID's and password for the user to sign on in order to prevent unauthorized computer user. Note also on 7:34-35, GARDNER et al discloses an environment that is secure, accurate and efficient which normally requires a security system on the computer to avoid unauthorized user. As for claims 8, 12, 13, 14, 15, these concepts are fairly taught on 7:30-60 and 8:5-25. The various ways of submitting the requisition varies with each department or corporation and would have been obvious to a skilled artisan. As for claim 9, this is inherently taught in GARDNER et al as shown on col. 5 wherein the whole process are stored in the computer. As for claim 10, this is rejected

for the same reason set forth in claim 2. As for claim 11, this is fairly taught on 4:15-25, 6:15-25, 8:50-55.

As for claim 16, the steps for managing the requisitioning on a networked computer system of GARDNER et al in view of Article 5/1995 or Article 3/1994 would inherently require the system as shown on claim 16. As for claims 17-26, they are fairly taught on cols. 3-8 as mentioned in the similar claims rejections above. Alternatively, The various ways of submitting the requisition varies with each department or corporation and would have been obvious to a skilled artisan as taught by GARDNER et al on col. 3 and 7. Note also that the various processing/functions limitations such as claims 17, 18, 19, 21, 22, 23, 24, 25, 26, carry little or no patentable weight in an apparatus claim since the apparatus claim depend on structural limitations or features/elements related to the system.

6. Claims 9, 16-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over GARDNER et al in view of Article 5/1995 or Article 3/1994 as applied to claims 1-15 above, and further in view of Article 3/1992.

As for claims 9, 16, Article 3/1992 generally discloses an automatic electronic requisitioning system wherein the requisitioning process is saved into memory of the computer system for audit trail on line (see page 3). It would have been obvious to modify the process of GARDNER et al in view of Article 5/1995 or Article 3/1994 by saving the requisitioning process into memory of the computer system for audit trails in the future if desired to obtain world-class practice.

As for claims 17-26, they are rejected for the same reasons set forth above.

Art Unit: 3629

7. Claims 1-3, 4-15, 16-26 are rejected (2nd) under 35 U.S.C. 103(a) as being unpatentable over Article 3/1992 "World-Class procurement system: Priority Target for Success" in view of Article 5/1995 or Article 3/1994.

As for claims 1, 15, Article 3/1992 discloses a process for requisitioning products and services in an organization comprising the steps of: a) creating a requisition requesting a product or service, b) selecting an identity to review and comment the requisition, c) selecting an identity to review and approve the requisition, submit the requisition to the identity to review and approve, e) submit the requisition to identity for review and approval, and f) submit the requisition for effectuation upon receipt of approval from identity (see pages 1-4). Therefore, GARDNER et al teaches the claimed invention except for having an automatic approval deadline in the reviewing step (d).

Article 5/1995 or Article 3/1994 is cited to teach conventional well known concept of "automatic approval deadline policy" in reviewing and approving an application to shorten up/speed up the processing/reviewing or preventing delaying or avoiding processing/reviewing an application or license or requisition order; wherein failure to meet deadline would mean an automatic approval. It would have been obvious to modify the reviewing step of Article 3/1992 to include a well known concept of "automatic approval deadline" policy as taught by Article 5/1995 or Article 3/1994 to shorten up/speed up the processing/reviewing time or preventing delaying or avoiding processing/reviewing.

As for claims 2, 5, this is taught on page 3. As for claims 3, 6, on page 3, GARDNER et al discloses that the requisition can be prepared by managers and employee; therefore, it would have been obvious that a principal person could assign the preparation of the requisition to employees of lower ranks to save time or this is more effective since the supervisor/manager has more important tasks to do.

As for claim 4, this is shown on pages 34 (buyer workstations, computer center). As for claim 7, this is inherently included in the computer system of Article 3/1992 since most current and/or conventional computers, or desktop computers, normally require user ID's and password for the user to sign on in order to prevent unauthorized computer user. As for claims 8, 12, 13, 14, 15, these concepts are fairly taught on pages 2-4. The various ways of submitting the requisition varies with each department or corporation and would have been obvious to a skilled artisan. As for claim 9, this is shown on page 3. As for claim 10, this is taught on page 3. As for claim 11, this is fairly taught on pages 2-3.

As for claim 16, the steps for managing the requisitioning on a networked computer system of Article 3/1992 in view of Article 5/1995 or Article 3/1994 would inherently require the system as shown on claim 16. As for claims 17-26, they are fairly taught on pages 2-4 as mentioned in the similar claims rejections above. Alternatively, The various ways of submitting the requisition varies with each department or corporation and would have been obvious to a skilled artisan as taught by GARDNER et al on pages 2-4. Note also that the various processing/functions limitations such as claims 17, 18, 19, 21, 22, 23, 24, 25, 26, carry little or no patentable weight in an

Art Unit: 3629

apparatus claim since the apparatus claim depend on structural limitations or features/elements related to the system.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US Patent: US patent 5,319,542 discloses a system for ordering items using electronic requisition sytem.

2) Foreign: JP 2002/007653 discloses an electronic decision requisition system capable of approved by a representative of an approver.

3) NPL: Article "Re-engineering the acquisition and payment process-- ...software" discloses modern system for purchase requisition electronically with an unlimited query and drill-down capability to save time and improve decisions making. To avoid redundancy, this article is listed here but could have been used in the rejection.

4)NPL: Article "Buying strategies" discloses an electronic requisition system and process from SupplyBase which has been implemented by Cisco System to great success.

Art Unit: 3629

9. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiner. As the official records and applications are located in the clerical section of the examining Tech Center, the clerical personnel can readily provide status information without contacting the examiner. See MPEP 203.08. The Tech Center clerical receptionist number is (703) 308-1113.

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (703) 306-5771, or e-mail CustomerService3600@uspto.gov .

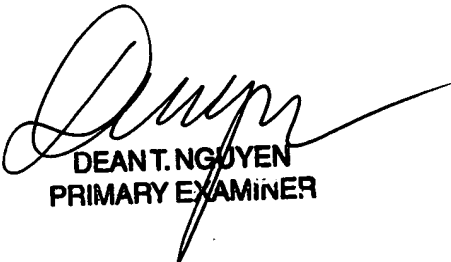
Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (703) 308-2053. My work schedule is normally Monday through Friday from 7:00 am through 4:30 pm.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (703) 308-2702. The FAX phone numbers for formal communications concerning this application are (703) 305-7687. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

Other possibly helpful telephone numbers are:

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/ 8335
Fee Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Information Help Line	1-800-786-9199

dtn
June 17, 2003


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PRIMARY EXAMINER